

# Notices

## Federal Register

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

#### Notice of Intent to Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of availability and intent to grant exclusive license.

**SUMMARY:** Notice is hereby given that a Federally owned cultivar, Plant Variety Protection Certificate Application Serial Number 96-00-341, entitled "Bannock Thickspike Wheatgrass," is available for licensing and that the U.S. Department of Agriculture, Natural Resources Conservation Service, intends to grant an exclusive license for this variety to the Idaho Agricultural Experiment Station.

**DATES:** Comments must be received within 90 calendar days from the date of publication of this Notice in the **Federal Register**.

**ADDRESSES:** Send comments to: USDA, ARS, MWA, Office of the Director, National Center for Agricultural Utilization Research, 1815 N. University Street, Peoria, Illinois 61604.

**FOR FURTHER INFORMATION CONTACT:** Andrew Watkins, Technology Development Manager at the Peoria address given above; telephone: 309-681-6545.

**SUPPLEMENTARY INFORMATION:** The Federal Government's plant variety protection rights to this variety are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention, for the Idaho Agricultural Experiment Station has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be

granted unless, within ninety days from the date of this published Notice, ARS receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**R.M. Parry,**

*Assistant Administrator.*

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BILLING CODE 3410-03-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 97-067-1]

#### Bejo Zaden BV; Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Radicchio Rosso

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Bejo Zaden BV seeking a determination of nonregulated status for Radicchio rosso lines designated as RM3-3, RM3-4, and RM3-6, which have been genetically engineered for male sterility and tolerance to the herbicide glufosinate as a marker. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether these Radicchio rosso lines present a plant pest risk.

**DATES:** Written comments must be received on or before October 27, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-067-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-067-1. A copy of the petition and any comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday,

except holidays. Persons wishing access to that room to inspect the petition or comments are asked to call in advance of visiting at (202) 690-2817 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Subhash Gupta, Biotechnology Evaluation, BSS, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-8761. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-4885; e-mail: mkipeterson@aphis.usda.gov.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered "regulated articles."

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for determination of nonregulated status must take and the information that must be included in the petition.

On May 28, 1997, APHIS received a petition (APHIS Petition No. 97-148-01p) from Bejo Zaden BV (Bejo) of Warmerhuizen, The Netherlands, requesting a determination of nonregulated status under 7 CFR part 340 for male sterile, glufosinate-tolerant Radicchio rosso (red-hearted chicory) lines designated as RM3-3, RM3-4, and RM3-6. The Bejo petition states that the subject Radicchio rosso lines should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, Radicchio rosso (*Cichorium intybus* L.) lines RM3-3, RM3-4, and RM3-6, have been genetically engineered with a *barnase* gene from *Bacillus amyloliquefaciens* encoding a ribonuclease which inhibits pollen